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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

**C/O 4113 Shreve Avenue 1st flr
Saint Louis, Missouri 63115
Email gberry86@yahoo.com
314-776-8444 cell
Gary-Louis: Berry -Proper Persona**

CLAIMANT

Case No 4:21-cv-00685RLW

VS

CIVIL RIGHT VIOLATION

**CITY OF SAINT LOUIS, a municipal
corporation**

1200 Market Street

Saint Louis, Missouri 63103

Actor: Tishaura Jones-Mayor

Actor: Geoffrey Rose- Law enforcement DSN11516

Actor: 1st Unknown at this time- law enforcement

Actor: Benjamin Ellerman-Law enforcement DSN 11718

Actor: 2nd Unknown at this time-Law enforcement

Actor Joshua Loos-DNS11760

REQUEST FOR JUDICIAL NOTICE

Date August 9th 2021

Time: 3:20 pm

Date Action filed June 14th 2021

DEFENDANTS

**MOTION TO SHOW CAUSE
JUDICIAL NOTICE**

Claimant Gary-louis: Berry Request this court to take Judicial Notice of the following

- 1) That Claimant is not a member of the Bar, is not an Attorney, Lawyer, Does not practice Law.
- 2) That Claimant file his Civil Complaint June 14th 2021
- 3) That it has been as of this date 54 days and the Clerk confirms that my Civil right Complaint is in the judge chambers.
- 4) That Claimant file his Civil Complaint to Proceed in Forma Pauperis.

- 5) That Claimant is homeless, unemployed and the only source of fund Claimant receives is unemployment insurance.
- 6) The Civil Complaint was filed properly in the Correct Jurisdiction and Venue, to the best of the Claimant understanding.
- 7) If there were issues with Claimant's Civil Rights Complaint it is the Court Duty, and there is a duty of the Judicial officers (Judges) fiduciary duty to the Public of trust and transparency. So that my Civil Rights Complaint is not just on a desk waiting to be dismissed for some technicality.: *Haines v. Kerner*, 404 U.S. 519, 92 S. Ct. 595, 30 L. Ed.2d 652 (1972). *those asserted by Haines, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence.*" The Supreme Court then noted that it held the allegations in the pro se complaint to less stringent standards than formal pleadings drafted by lawyers and that, under that standard,
- 8) Because this is a Civil Rights Complaint, that took place in December 2019, the Claimant is continuously harassed and intimidation by Defendants, as late as July 21st 2021.
- 9) The fact that African American males and females are regularly getting killed in these ILLEGAL TRAFFIC STOP, and they are illegal and a violation Constitution Rights which the united states Supreme Court clearly states: **SHAPIRO vs. THOMSON, 394 U. S. 618** Further, the **Right** to TRAVEL by private conveyance for private purposes upon the Common way can **NOT BE INFRINGED**. No license or permission is required for TRAVEL when such TRAVEL IS NOT for the purpose of [COMMERCIAL] PROFIT OR GAIN on the open highways operating under license IN COMMERCE. "The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.
- 10) Claimant was told in the July 21st traffic stop, "that your lawsuit will be dismiss" by Officer Joshua Loos-DNS11760, so I called the Clerk of Court, which I believe her name is Tiffany, and inquired as to how the Officer knew this. Which cause me to become suspicious as to what was going on with my Civil Right Complaint. Because while he was in his cruiser I noted that he was on his cell phone who he was speaking with is unknown to me, but the fact that he said that my lawsuit would be dismissed, and Claimant not hearing anything from the Court concerning Claimant's Civil Rights Complaint, Claimant will reach out to the **Hon. Kristen Clarke U.S. Assistant Attorney General**, Department of Justice Civil Rights Division also IRS Civil Rights Division to investigate and oversee the proceeding. **Canon 1458** Cases are to be heard in the order in which they were received and entered in the register, unless some case from among them needs to be dealt with more quickly than others. This is to be stated in a special decree which gives supporting reasons.
- 11) Claimant is fearful to get into his Automobile in fear of another illegal traffic stop, and encountering other aggressive law enforcement officers. This unnecessary fear has impede Claimant Right to life, liberty and the pursuit of Happiness. Claimant is attempting to better his life situation, which Claimant has no ID, which Claimant can not obtain one because he is homeless, however, I have been allowed to use the address where my Mail come to. Claimant's

is also seeking employment, but Claimant, is fearful of that. Wherefore, my Civil Rights Complaint sits/lay somewhere, for some reason while living my life is at a stand still.

- 12) Claimant also wants this Court to take Judicial Notice of The Civil Right Act of 1964 era, which Lyndon B. Johnson signed was hastened the end to "Jim Crow" where Rights for African American secured the right to: a fair trial, the right to vote. The right to government services, the right to use public facilities. The Fact the united states Constitution of American had already secured these rights, the united states Supreme Court had already secured these rights,(which Rights came from neither, these are inalienable rights) yet they were not enforced by states, law enforcement, or local government. The fact that African American's need to give their Blood and life endlessly to get justice seems egregious, appalling. And today nothing seems to have changed. Claimant is fighting for his Rights, Which the united states Constitution of American Guarantees, the united states Supreme Court emphatically express infringing on the Rights of the People [**Simmons v United States, 390 U.S 377 (1968)**

"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights"

Bennett v Boggs 1 baldw 60 "Statutes that violate the plain and obvious principles of common right and common reason are null and void" Would we not say that these judicial decisions are straight to the point that *there is is no lawful method for government to put restrictions or limitations on rights belonging to the people?* Other cases are even more straight forward "The assertion of federal rights when plainly and reasonably made, is not to be defeated under the name of practice"]

- 13) Claimant requires this Court TO SHOW CAUSE why claimant Civil Right Complaint has Stalled and not proceeded beyond June 14th 2021
- 14) Claimant will continue to Fight for Justice even at the point of DEATH by this De facto government. And will continue too add Defendants.

**MEMORANDUM OF CONSTITUTIONAL LAW, united states CONSTITUTION
united states SUPREME COURT, CANON LAW**

Am Jur vol. 16, constitutional law section, 97..."That a constitution should receive a liberal interpretation in favor of the citizen is especially true with respect to those provisions which were designed to safeguard the liberty and security of the citizen in regard to both person and property. (see *Bryer's v United States* 273 U.S. 28. In other words it"s supposed to be liberally enforced in favor of the citizen for the protections of their rights and property. Any constitutional provision intended to confer a benefit should be liberally construed in favor of the clearly intended and expressly designated beneficiary. *Dejammer v hoskill of Albany*

Am Jure 16, sec 155: Since the constitution is intended for the observance of the judiciary as well as other parts of government, and the judges are sworn to support its provisions (sworn...as in Oath of office), the courts are not at liberty to overlook or disregard its commands or countenance evasions thereof. It is their duty in authorized proceedings to give full effect to the existing constitution, and to obey all constitutional provisions irrespective to their opinion of the wisdom or the desirability of such provisions, and irrespective of the consequences. Thus is said that the courts should be in our alert to enforce the provisions of the United States Constitution, and guard against their infringement by legislative fiat or otherwise. In accordance with these basic principles the rule is fixed that the duty in the proper case to declare a law unconstitutional cannot be declined, and must be performed in accordance with the delivery of judgment of the tribunal before which the validity of the enactment is directly drawn into question. If the constitution prescribes one rule, and the statute another, in a different rule, it is the duty of the court to declare that the constitution and not the statute governs in cases before them for judgment.

Am Jur 2nd sec 177 Declaratory judgments. Declaratory judgment actions have often been utilized to test the constitutionality of a statute and government practices. The uniform declaratory judgments act makes specific provisions of the determination of construction or validity of statutes or municipal ordinance by declaratory judgment and is considered to furnish a particularly appropriate method for the determination of controversies relative to the construction and validity of the statute. And of ordinances. The federal declaratory judgment act has been invoked frequently as a means of assaying the constitution of congressional legislation. A plaintiff can have a declaratory judgment action on the constitutionality of either the federal or state statute by a single federal judge; so long as he does not ask to have the operation of the statute enjoined. A court may grant declaratory relief unless there is a case in controversy before the court. That is the dispute must consist of specific adverse claims based upon present rather than future or speculative facts on which to base the education. You have a right to demand a declaratory judgment.

7 th amendment: In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity (*See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21*; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the

Constitution for the United States of America. See: Title 42 U.S.C. Sec. 1983. "When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so ultra vires (beyond the powers) and lose the shield of immunity."

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." "The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but, the individual's rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed."

Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958) Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason. The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it".

See also *In Re Sawyer*, 124 U.S. 200 (188); *U.S. v. Will*, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).

Marbury v. Madison, 5 U.S. 137 (1803).

This is one of the leading cases in the history of the U.S. The opinion of the court was "Anything that is in conflict is null and void of law; Clearly for a secondary law to come in conflict with the supreme was illogical; for certainly the supreme law would prevail over any other law, and certainly our forefathers had intended that the supreme law would be the basis for all laws, and for any law to come in conflict would be null and void of law. It would bear no power to enforce, it would bear no obligation to obey, it would purport to settle as though it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded by a court of law. No courts are bound to uphold it, and no citizens are bound to obey it. It operates as a mere nullity or a fiction of law, which means it doesn't exist in law.

Marbury v. Madison, 5 U.S. 137 (1803).

*163 * The very essence of civil liberty certainly consists in the right of every individual to claim protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection, In Great Britain the king himself is sued in the respectful form of a petition and he never fails to comply with the judgment of his court

Marbury v. Madison, 5 U.S. 137, 180 (1803)

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." "In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank". "All law (rules and practices) which are repugnant to the Constitution are VOID". Since the 14th Amendment to the Constitution states "NO State (Jurisdiction) shall make or enforce any law which shall abridge the rights, privileges, or immunities of citizens of the United States nor deprive any citizens of life, liberty, or property, without due process of law,... or equal protection under the law", this renders judicial immunity unconstitutional.

HALE v. HENKEL 201 U.S. 43 at 89 (1906)

Hale v. Henkel was decided by the United States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State", and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights."

Boyd v United States, 116 US 616: The court is to protect against encroachment of constitutionality or security liberty

Canon 1458 Cases are to be heard in the order in which they were received and entered in the register, unless some case from among them needs to be dealt with more quickly than others. This is to be stated in a special decree which gives supporting reasons.

I have reserved all my Rights for all new actions against me from the Defendants being traffic stops, threats, intimidation, harassment, warrants and kidnapping (false arrest) and all interlopers upon my Rights

Affirmation I declare under penalty of perjury under the laws of the Republic where I live but do not maintain a domicile and from without the "United States" defined in 28 U.S.C. §1603 (c) and 26 U.S.C. §7701(a)(10) and only when litigated under the following conditions that the facts, exhibits, and

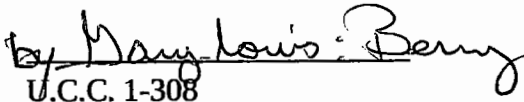
statements made by in this and the attached pleading by me are true, correct, and complete to the best of my knowledge and ability in accordance with 28 U.S.C. §1746 (1).

REQUEST FOR RELIEF

1. Show Cause why Claimant Civil Right Complaint has not Proceeded
2. Anti-bribery Statement which all Judicial officers are required to take upon their oath of office.
3. This Court Delegation of Authority united states Constitution of American and united states Supreme Court are the Supreme Law in the Land.
4. Set Hearing For this Motion

Respectfully Submitted

Gary-louis: Berry


U.C.C. 1-308

Dated August 9th 2021